

**CALENDAR ITEM  
C62**

A 13  
S 5

10/14/14  
PRC 7950.1  
N. Lavoie

**REVISION OF RENT**

**LESSEE:**

MCImetro Access Transmission Services LLC

**AREA, LAND TYPE, AND LOCATION:**

0.033 acre, more or less, of sovereign land in the Calaveras River, near the city of Stockton, San Joaquin County.

**AUTHORIZED USE:**

Continued use and maintenance of a four-inch diameter high-density polyethylene conduit containing three, 1¼-inch diameter fiber optic cables.

**LEASE TERM:**

25 years, beginning April 1, 1997.

**CONSIDERATION:**

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that rent be revised from \$279 per year to \$450 per year, effective April 1, 2015.

**OTHER PERTINENT INFORMATION:**

1. On May 12, 1997, the Commission authorized a General Lease – Right-of-Way Use to Brooks Fiber Communications of Stockton. (Brooks), for the construction and installation of a four-inch diameter HDPE high density polyethylene conduit to contain three 1¼ inch diameter fiber optic cables.
2. On May 10, 2004, Brooks was merged into MCImetro Access Transmission Services LLC (MCImetro). There was no assignment of the Lease to MCImetro as MCImetro succeeded to Brooks as owner of Brooks' assets by operation of law. MCImetro is authorized to provide communications services in the State of California.

CALENDAR ITEM NO. **C62** (CONT'D)

3. The staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

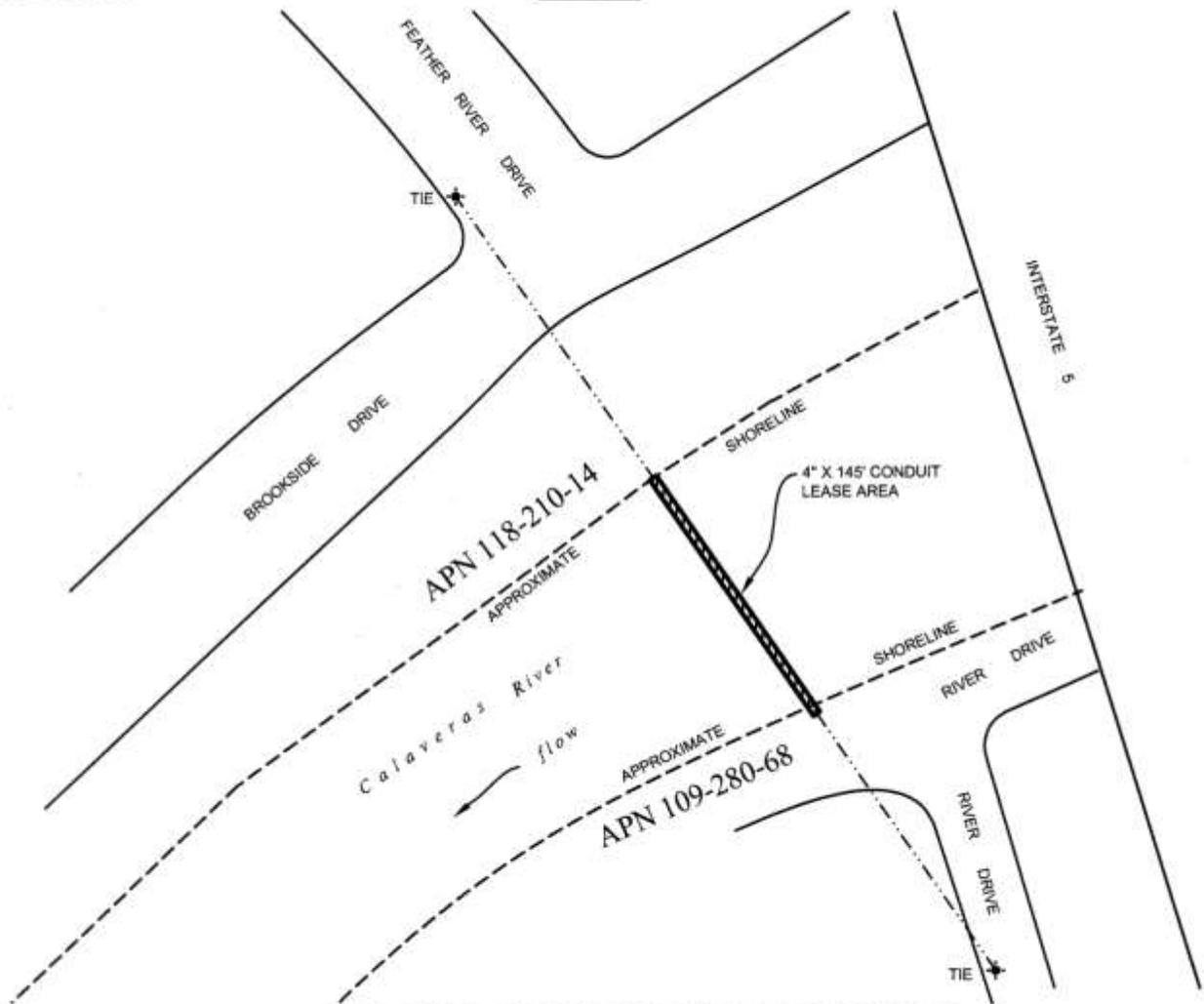
Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**AUTHORIZATION:**

Approve the revision of rent for Lease No. PRC 7950.1 from \$279 per year to \$450 per year, effective April 1, 2015.

NO SCALE

# SITE



CALAVERAS RIVER, NEAR STOCKTON

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit A

PRC 7950.1  
 MCIMETRO ACCESS  
 TRANSMISSION SERVICES LLC  
 APN 109-280-68 &  
 APN 118-210-14  
 GENERAL LEASE -  
 RIGHT-OF-WAY USE  
 SAN JOAQUIN COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.